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EU Moot Court Team Competes in Madrid

2/17/05--Before coming to law school, while working at NYU's Center for European Studies, Carolyn Bella Kim participated in several initiatives by the European Union to get foreign countries more involved in the awareness of the EU and its development. One such event was the EU Law Moot Court Competition.

"I always thought participating in that competition would be a great opportunity and a lot of fun," she says. "And later, after competing in the Grimes Moot Court Competition at BC, I figured why not pitch participating in the EU Moot Competition to the BC Law School administration?"

Charity Clark was also interested in EU Law and had competed in Grimes. Together the two students drafted a proposal to participate in the European Union Law Moot Court Competition for 2004-2005. The Law School approved entry on a pilot basis.

This was an international effort from the very beginning. Charity Clark participated in the initial negotiations to get the team off the ground while interning at The Hague. She also composed her contribution during the fall via email from Buenos Aires where she was studying international law. Emails were also exchanged with the team's former EU Law professors who were located in Paris and London at the time.

The EU Law Moot Court competition is divided into several stages. The first requires submission of a written brief; the second stage involves oral arguments at one of the regional rounds to be held in Istanbul, Madrid, Goteburg and New York; the All European final round is the last stage. The problem this year involved a complicated state-aid measure that a private company challenged as violating certain Articles of the EC Treaty.

In the fall, a team of four BC Law students was assembled: Carolyn Bella Kim, Charity Clark, Robert M. McGill, and Christina Zemina. They researched the problem and submitted two briefs, one for applicant, one for respondent, with a synopsis of the arguments in French, as required by the rules of the competition. Ninety-two teams from throughout the world (only 7 of which were American: Harvard, Columbia, Georgetown, BU, BC, Cardozo and Indiana) submitted briefs. Only forty-eight teams would be invited to the regional competitions.

It was not until late January that the team received notice that they were invited to participate in the Regional Finals to be held in February in Madrid. Of the American teams submitting briefs, only BC, Harvard, Columbia, Georgetown and Indiana would go to a regional competition. BC would be the only American representative in Madrid.

"We had expected that if invited to regionals it would be in New York," Kim says. "However, we learned that the teams in each regional were picked for geographic diversity to give each regional a broad scope of views on EU law."

An intensive period of preparation began. Practice arguments took place with Professors George Brown, Tom Carey, Frank Garcia, Zyg Plater, Ileana Porras and other volunteers. Joe Mueller, BC Law 2000, an associate at *Wilmer Cutler Pickering Hale & Dorr* who had been helping coach the Jessup team, offered to travel to Madrid with the team as a coach.

All that hard work paid off, as the team put on a very good showing and made a number of useful contacts in Madrid. The competition's oral rounds were judged by an incredibly distinguished panel of 8 EU law experts, including Tom Kennedy (Head of the European Court of Auditors), Jose Luis Buendia (Member of the Legal Service, European Commission) and Hubert Monet (Referendaire de l'Avocat General Ph. Leger). The European teams were very intrigued by the BC Law team's presence and energy, and they were consistently questioned as to where their interest in the European Union and more specifically European Union Law had stemmed from.

In addition to oral arguments, teams also participated in several round table discussions and networking events. The highlight of the trip was at the Gala Dinner, when each country was requested to get on stage to sing a song representing their country. "Although we could not garner audience participation with 'Sweet Caroline,' we did manage to garner more participation with 'American Pie'," Kim says with a smile.

Joe Mueller describes the entire EU competition and experience as terrific. "The students did a fabulous job, particularly given their limited preparation time," he says. "Although they did not advance to the next round, their advocacy skills were superior to virtually all of the other competitors I observed. The competition itself was extremely well-run, and offered a unique opportunity to meet present and future EU lawyers. The quality of the judges, in particular, was remarkable." Mueller says the BC Law students deserve tremendous credit for blazing the trail for the law school's participation in the program.

"After we were invited to Madrid, Professor Carey acted quickly to help us provide all the necessary resources," Kim says. "He was a tremendous help in recruiting a coach, and finding us the necessary faculty expertise. Without Professor Carey, we could not have found all the necessary resources to allow us to go."

The members of the team are also quick to praise Professors Plater, Garcia, Porras and Brown, along with Mueller, who provided their time and energy in benching sessions. "Professor Plater also provided us with contacts at different universities so that we could learn more about the rules and regulations of this competition, which to us are completely new," Kim says.

The entire experience exceeded the students' expectations, offering quite possibly the most amazing culturally professional experience to date. Surprisingly, Kim says, the value of the experience transcended the intellectual stimulation and opportunities the students were offered to hone our advocacy skills within the "courtroom," but were engendered more in the several round table discussions and networking events.

"This opportunity was so unique because it offered us the chance to witness firsthand how the cultural disparities affect the professional rapport between colleagues and their superiors, among the Europeans and in their interactions with us," she says. "The value of this experience was compounded by the unique opportunity it afforded BC Law students--not only the chance to represent BC and BC Law, but to serve as ambassadors for the United States."

The BC team so impressed everyone in Madrid that they were asked if BC Law would host one of the Regional Rounds in Boston next year.

Competition Information

The Website is: www.elmc.org